

COUNCIL CHAMBERS--CITY COUNCIL
CITY HALL--CITY OF LODI
Monday, April 17th., 1933

The City Council of the City of Lodi met in regular session at 8 o'clock P.M. on the date first above written, Councilmen Clark, Keagle, Spooner, Weihe and Steele present, none absent.

No persons appearing, the order of Public Hearings was passed and the Clerk read the minutes of the last meeting held April 3, 1933. The minutes were approved as read and so endorsed by the Mayor.

The Quarterly Report of the City Treasurer and the Quarterly Report of the City Clerk for the quarter ended March 31, 1933 were both presented, read and ordered filed.

The Committee on Finance and Revenue filed its report of an examination of securities held by the City Treasurer made April 8th and the same was read and ordered placed on file.

Councilman Weihe of the Committee on Streets and Highways recommended that "Norway Maple" trees be recommended for replacement of the eucalyptus trees taken out on East Pine Street.

On motion of Councilman Weihe, Spooner second, the Clerk was directed to purchase seventy-five tons of "Calrock" emulsified asphalt for resurfacing the Lawrence Park tennis courts and to get in touch with the Calrock company's engineers who had promised technical assistance in doing the work.

At the solicitation of the City Council of the City of Alameda, the following resolution was adopted :

RESOLUTION

WHEREAS, the conference called for representatives from cities in California in special session at Hotel Senator, Sacramento did recommend that all cities go on record as opposed to Senate Bills Nos. 79 & 80,

AND, WHEREAS, the adoption of such legislation as that proposed in said bills would make necessary the purchase of all or any part that the owner might desire to sell, of an existing water system to a public district desiring to extend its present system whether such purchase was desirable or not;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Lodi that it disapproves the passage of said bills as inimical to the public good.

The foregoing resolution was adopted by unanimous vote.

License to sell malt or vinous beverages containing the lawful percentages of alcohol were ordered granted to the following :-

Gurdev Singh	to sell in original package
A. A. Borey, Hotel Lodi,	to be consumed on premises
Sam Sperling, 105 N. Sacto St.,	do
Saichi Hachiya, 8 N. Main	do

Bills in the amount of \$2,835.87 as approved by the Finance Committee were ordered paid on motion of Councilman Weihe, Keagle second.

At 9.20 O'clock P.M. the Board was resolved into Committee of the Whole and entered into executive session.

At 9.35 o'clock P.M. open session was resumed with all members present.

On motion of Councilman Spooner, Weihe second, the following resolution was introduced :-

COUNCIL CHAMBERS -- CITY COUNCIL
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RESOLUTION No. 679

WHEREAS, in the pending litigation between the City of Lodi and the East Bay Municipal Utility District, in the Superior Court of Calaveras County, a judgement has been rendered, awarding the City of Lodi and Colorado Power Company, as defendants in case No. 1661, a judgement of \$25,000 and costs payable as the award in said case; and

WHEREAS, the plaintiff, East Bay Municipal Utility District has tendered to the defendants in said case the sum of \$25,000 and costs, if full settlement of the said judgement, conditioned only upon the entry of satisfaction therein and dismissal of the appeal previously taken in case No. 1642 in said Superior Court; and

WHEREAS, Messrs Robert M. Searls and Glenn West, attorneys for the City of Lodi in said litigation, have recommended to this Council that said tender be accepted and said litigation settled;

NOW THEREFORE,

BE IT RESOLVED, that the City Council finds it to be for the best interest of the City of Lodi that said litigation be settled on said terms, and be it further,

RESOLVED, that the Mayor and the City Clerk are hereby authorized and instructed to execute a satisfaction of judgement in behalf of the City of Lodi and to deliver the same, through the attorneys for the City of Lodi, to the East Bay Municipal Utility District, upon payment to the defendants in case No. 1661 of the sum of \$25,000, and in addition thereto the legal costs incurred in said actions Nos. 1661 and 1642; and be it further,

RESOLVED, that the attorneys for the City of Lodi are authorized to stipulate for a dismissal of the appeal heretofore taken in case No. 1642, brought by the City of Lodi and Colorado Power Company against the East Bay Municipal Utility District and Pacific Gas & Electric Company in the Superior Court of Calaveras County, and also to stipulate that the East Bay Municipal Utility District may withdraw from deposit in the Superior Court of Calaveras County, the sum of \$10,000 deposited at the conclusion of the first trial of case No. 1661, such stipulation to constitute merely permission that said money may be withdrawn and not a guarantee that it will in fact be received by said East Bay Municipal Utility District, and be it further

RESOLVED, that upon receipt of the said sum of \$25,000.00 the attorneys for the City of Lodi are authorized to divide the sum with the defendant, Colorado Power Company, in conformity with the terms of the agreement between the City of Lodi and the Colorado Power Company dated January 9, 1929, -- that is to say, paying to said Colorado Power Company three-fourths of the amount so received, less agreed credits for the expenses of the retrial of action No. 1661. The residue of said sum and the entire amount of costs in said action to be paid to the City Treasurer of the City of Lodi, and by him deposited in the General Fund.

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The foregoing Resolution No. 679 was thereupon adopted by the following vote :-

AYES: Councilmen, Spooner, Weihe, Clark, Keagle & Steele (Mayor)
NOES: Councilmen, None. ABSENT: Councilmen, None.

No further business appearing, the City Council adjourned on motion of Councilman Weihe.

(The foregoing minutes read and approved without correction at a regular Council meeting held May 1st., 1933)

Attest: *J. F. Blaney*
City Clerk.

Glenn West
Mayor of the City of Lodi.

May 1 - 1933. *Proctor*